

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEVEN R. BLAIR,) 8:07CV295

)

Plaintiff,)

)

v.)

)

CITY OF OMAHA, et al.,)

)

Defendants.)

STEVEN R. BLAIR,) 8:07CV307

)

Plaintiff,)

)

v.)

)

NEBRASKA DEPARTMENT OF)
CORRECTIONAL SERVICES, et)
al.,)

)

Defendants.)

)

**MEMORANDUM
AND ORDER**

These matters are before the court on Plaintiff's motions for leave to proceed in forma pauperis. (Filing No. 2 in both matters.) Upon review of Plaintiff's applications, the court finds that Plaintiff is financially eligible to proceed in forma pauperis in both of the above-captioned matters and his motions are granted.

The court notes that Plaintiff previously brought similar claims in this court against many of the same Defendants. (*See* Case Nos. 4:04CV3229 and 8:05CV31.) Case No. 4:04CV3229 was dismissed without prejudice because the state court proceedings were not yet completed. (Filing Nos. 59 and 60.) Case No. 8:05CV31

was dismissed without prejudice because Plaintiff's claims were moot and because of immunity issues. (Filing Nos. 107 and 108.)

Because Plaintiff is proceeding in forma pauperis, the court must conduct an initial review of the above-captioned lawsuits. *See* 28 U.S.C. § 1915(e)(2). However, the court is concerned that these cases are nearly identical to the two previously dismissed cases except for the addition of more Defendants. The court would therefore like Plaintiff to explain how the circumstances have changed since the dismissal of the two previous lawsuits. Plaintiff shall have 30 days in which to file a detailed brief addressing the status of the state court criminal proceedings against him, how Case No. 8:07CV307 is different from Case No. 8:05CV31, and how Case No. 8:07CV295 is different from Case No. 4:04CV3229.

IT IS THEREFORE ORDERED that:

1. Plaintiff shall have until November 18, 2007 in which to file a detailed brief explaining how the circumstances have changed since the dismissal of the two previous lawsuits (Case Nos. 8:05CV31 and 4:04CV3229). In particular, Plaintiff's brief shall address the status of the state court criminal proceedings against him, how Case No. 8:07CV307 is different from Case No. 8:05CV31, and how Case No. 8:07CV295 is different from Case No. 4:04CV3229.
2. The Clerk of the court is directed to set a pro se case management deadline with the following text: November 18, 2007: Deadline for Plaintiff to file brief.
3. The Clerk of the court is directed to send to Plaintiff copies of Filing Nos. 59 and 60 in Case No. 4:04CV3229 and Filing Nos. 107 and 108 in Case No. 8:05CV31.

4. Plaintiff's motions for leave to proceed in forma pauperis in both of the above-captioned cases (Filing No. 2 in both cases) are provisionally granted.

October 16, 2007.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge